

FULL NAME	DUTY TO COOPERATE	LEGALLY COMPLIANT	SOUND	WHICH PART	WHICH PARAGRAPHS	WHICH POLICY	WHICH POLICY MAP	WHICH DIAGRAM	WHICH TABLE
Mr Trevor Magee	No	No	No	Policy		Open space shortfalls in the Local Plan Paragraph Policy EV9 Open Spaces, Sport and Recreation (second paragraph) 4(2) Not sound, not positively prepared			

WHY PLAN NOT SOUND	MODIFICATIONS	HEARINGS	HEARING SESSIONS
<p>Open space shortfalls are calculated in the Open Spaces Strategy document, but no policy is provided to address the shortfalls. The benefits of open space are well-known and widely published (as acknowledge in the Open Spaces Strategy), but not addressing the needs of existing residents is a dereliction of the duty of care the Council should have for their health and well-being.</p> <p>The policy in the second paragraph of EV9 only provides sufficient open space to meet the needs of the 'proposed community' that is to be formed following development. This approach has no effect on the open space shortfall of the whole of the community - the shortfall figure will be completely unchanged. For example, if a Ward has a shortfall of 5ha and new open space is only created based on the number of residents in the new community, then after development the entire community will still be short by 5ha.</p> <p>This is in conflict with NPPF 35(a) which says that plans must be</p> <p>(a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; The Local Plan is not seeking to meet the objective open space needs of residents as identified by the shortfalls in the Open Spaces Strategy. The Local Plan is thus not being positively prepared.</p> <p>Further, NPPF 96 (2018) states that</p> <p>Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.</p> <p>The Open Spaces Strategy identifies the need for open space, but the Local Plan does not seek to accommodate the need. The Local Plan is at odds with NPPF 96 and the health and well-being of communities is being blatantly ignored.</p>	<p>EV9 must allocate appropriate open space provision for existing residents from new developments. This must be in addition to the open space allocated to the new community. This can be done by</p> <p>(1) Identifying sites in the Local Plan that can be used to address the open space shortfalls. The Council should work with residents and local interest groups to acquire, lease or designate the land and work out suitable management. It must be prescribed that the land is protected as open space in perpetuity.</p> <p>(2) In planning applications, specify additional open space according to the shortfall in the community as a whole: note that this is additional to that required for the new community. The additional area of land set aside on site for open space that will reduce the whole community's shortfall should depend on the shortfall identified in the Open Spaces Strategy and the areas of land that are available for future open space provision in the Parish or Ward.</p> <p>(3) To achieve (2) above, a clear justified and realistic plan to meet in full the shortfall (in terms of quantity, quality and accessibility) is required. This needs to ensure that shortfalls will be eliminated by 2028; this is necessary to achieve alignment with the 2015 Charnwood Borough Council Core Strategy (CS15) which states that</p> <p>We will work with our partners to meet the strategic open space needs of our community by 2028.</p>	<p>No</p>	